

[53]
MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

SUNDRY DOCUMENTS

IN

RELATION TO THE CLAIM OF THE REPRESENTATIVES

OF

CARON DE BEAUMARCHAIS.

JANUARY 16, 1818.

Read, and referred to the Committee of Ways and Means.

WASHINGTON:

PRINTED BY E. DE KRAFFT.

1818.

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To the Senate and House of Representatives.

The claim of the representatives of the late Caron de Beaumarchais, having been recommended to the favorable consideration of the legislature, by my predecessor in his message to Congress, of the 31st of January last; and concurring in the sentiments therein expressed, I now transmit copies of a new representation relative to it, received by the Secretary of State, from the minister of France, and of correspondence on the subject between the minister of the United States, at Paris and the duke of Richelieu, enclosed with that representation.

JAMES MONROE.

Washington, January 12, 1816.

To the Honorable House of Representatives
of the United States of America
In Senate and House assembled
The following report of the
Joint Committee on the
Executive Privilege
in the case of
the President of the United States
is respectfully submitted.

JAMES H. HARRIS

Washington, D.C., 1877

To the Senate and House of Representatives
of the United States.

The envoy extraordinary and minister plenipotentiary of his most christian majesty, having renewed under special instructions from his government, the claim of the representative of Caron de Beaumarchais, for one million of livres, which were debited to him in the settlement of his accounts with the United States, I lay before Congress copies of the memoir on that subject, addressed by the said envoy to the Secretary of State.

Considering that the sum of which the million of livres in question made a part, was a gratuitous grant from the French government to the United States, and the declaration of that government, that that part of the grant was put in the hands of M. de Beaumarchais as its agent, not as the agent of the United States, and was duly accounted for by him to the French government: considering, also, the concurring opinions of two attorneys general of the United States, that the said debit was not legally sustainable in behalf of the United States, I recommend the case to the favorable attention of the legislature, whose authority alone can finally decide on it.

(Signed)

JAMES MADISON.

January 31, 1817.

1871

Received of the Hon. Secy of the Navy

the sum of \$1000.00

for the purchase of the

U.S.S. Albatross

for the purpose of

exploring the

coast of

the Pacific

Ocean

under the

command of

Comdr. R. A.

Taylor

U.S.N.

for the purpose of

exploring the

coast of

the Pacific

Ocean

under the

command of

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coast of

the Pacific

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command of

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Taylor

U.S.N.

*M. Hyde de Neuville, envoy extraordinary and minister plenipotentiary
of H. M. C. M. to the Secretary of State.*

(TRANSLATION.)

Washington, December 6, 1817.

SIR,

The President of the United States, was pleased last year to recommend to the Congress, by a special message, and in the most particular manner, the claim of the heirs of Beaumarchais, relative to the settlement of an account for supplies furnished at an early period of the war of independence.

This message was referred to a committee, and in that state the affair rested. The shortness of the session was probably the only cause why it did so.

Since that period, his most christian majesty's minister of foreign affairs, has again recommended to me this claim of the heirs of Beaumarchais, and communicated the correspondence which took place on this subject at Paris, between his majesty's minister, and Mr. Gallatin, minister of the United States; a copy of which I have the honor to enclose you.

Mr. Gallatin, after repeating, in his letter to the minister the objections which had been at first started, as to the employment of the million in question, gives it to be understood, that he can say, that a simple, but explicit, declaration, by the French government "that the said million was not applied to the purchase of the supplies furnished by M. de Beaumarchais, to the United States," would have removed all the doubts expressed by the public officer at the head of the Treasury, when these accounts were exhibited there.

His majesty's minister, after a new investigation of the facts positively renews, in his answer, the declaration, "that the million paid on the 10th of June, was not applied to the purchase of the shipments made to the U. States at that period, by M. de Beaumarchais." As these two papers complete, in some sort, the body of information requisite for a due examination of this affair, I request, sir, you would be pleased to lay them before the President. They preclude the necessity of my adding any thing further, either to the notes which have been successively presented, or to mine of the 22d of January last, on this subject.

It may be that the President will judge fit to transmit these documents to the Congress, with a new message, to be annexed to those formerly sent, if, after the explanations which have been given, there can remain any hesitation or doubt, founded on former prepossessions not then sufficiently combatted and removed.

I flatter myself that this latter communication will have the weight with Congress to which it is entitled, and dispose it to decide

this affair in a manner which the claimants confidently expect from the justice of the United States.

Be pleased, sir, to receive the assurances of my high consideration.

The envoy extraordinary and
minister plenipotentiary of

H. M. C. M. in the United States,

(Signed)

G. HYDE DE NEUVILLE.

Mr. Gallatin, envoy extraordinary and minister plenipotentiary of the United States, to the Duke de Richelieu, Minister of Foreign Affairs.

Paris, December 2, 1816.

MONSIEUR LE DUC,

The late Mr. de Beaumarchais' accounts with the United States, having been settled according to law, by the Comptroller of the Treasury, the claim of the heirs, on account of the million of francs, which they complain to have been unjustly charged to Mr. de Beaumarchais by that officer, is still before Congress for their ultimate decision. For that reason, and also because it was stated in the letter which your excellency addressed to me on the 11th of October last on that subject, that M. Hyde de Neuville was instructed to insist on a final decision of that claim, it appeared that the natural course for me, was to transmit your excellency's letter to my government, which has accordingly been done.

Knowing, however, that the government of the United States is not less anxious to pay its just debts, than bound to repel unfounded claims, I beg leave to present to your consideration some observations on that affair, with no other motive than that of obtaining, if practicable, such elucidations as may enable Congress to repair the wrong, if any has, in this case, been done by the department of accounts.

It has been fully established, and is not denied by the parties, that one of the three millions stated (in the preamble of a contract settled on the 25th February, 1783, between count de Vergennes and Dr. Franklin) to have been an aid and subsidy granted as a gratuitous assistance prior to the treaty of February, 1778, by his most christian majesty to the United States, was paid on the 10th day of June, 1776, for the use of the United States, or for some object connected with their interest, but not to any of their agents; and that that sum is the identical million which was on that day advanced by the government of France to Mr. de Beaumarchais.

Under those circumstances, the accounting officers of the Treasury of the United States, presuming that the said million had been

thus advanced by the government of France, for the purpose of enabling Mr. de Beaumarchais to purchase the supplies intended for the said states, and thinking that, at all events, for the application of a sum granted as an aid and subsidy, he must be accountable to the government which was to receive, and not to that which gave the subsidy, charged him with the same, and demanded from him an account of its expenditures. This Mr. de Beaumarchais declined doing, because he considered himself accountable for that sum only to the king, and because he thought himself restrained by particular considerations from giving any explanations on that subject.

The government of France has, however, at several times caused it to be declared: 1st. That the French government had ever been unconnected (*est resté constamment étranger*) with any of the commercial transactions of Mr. de Beaumarchais with the United States. 2d. That the million had been advanced for a secret political service, and had been applied according to the intentions of the king, and duly accounted for to his satisfaction by Mr. de Beaumarchais.

These declarations did not appear to Congress sufficient to remove the objections to the claim, because they were consistent with the supposition that the million had been advanced for the purpose of enabling Mr. de Beaumarchais to purchase supplies. By the first declaration, it must have been only intended to exclude the supposition that the French government had any concern in the commercial risks, profits or losses, of Mr. de Beaumarchais. That it was not intended to convey the idea that they had not made to him sales or advances on account of his supplies, is inferred from the fact, which appears on the face of the accounts, that the artillery, and a part of the military stores sent by him to the United States, were taken from the king's stores and arsenals. And if the million had been advanced to him for the purpose of purchasing part of the other supplies furnished by him to America, an advance for such an object, at such a time, would certainly have been considered as an expense for a secret political service; and if it had been thus applied by him, it would have been applied according to the king's intentions; and the sum would, by exhibiting the proof of such an application, have been duly accounted for to his majesty.

Without asking for the disclosure of the true application of that million, and without anticipating what species of proof will satisfy Congress, I may say that a simple but explicit negative declaration on the part of his majesty's government, "that the said million was not applied to the purchase of the supplies furnished by Mr. de Beaumarchais to the United States," would have removed the doubts entertained by the officers at the head of the Treasury Department when the account was settled there. It does not belong to me to conjecture whether such declaration can or ought at this time to be made by the government of France. But its importance will be better appreciated, when it is recollected that all the difficulties on that subject have arisen from former partial disclosures by the government of

France; and particularly from the insertion made by count de Vergennes, in the contract of 25th February, 1783, of the said million, as part of the gratuitous aid and subsidies of his most christian majesty to the United States. They were till that time wholly ignorant of such an advance having been made for their use; and had it not been thus brought to their knowledge, Mr. de Beaumarchais' claims would long ago have been definitively settled and discharged.

I have the honor, &c.

(Signed)

ALBERT GALATIN.

(Translation.)

The duke of Richelieu, to Mr. Gallatin.

PARIS, 20th December, 1816.

SIR,

I have received the letter which you did me the honor to address to me, on the second of this month, in answer to mine of the 11th of October last, on the subject of the claim of the heirs of Beaumarchais.

After informing me that you had transmitted my letter to your government, you enter into some details of the reasons which have hitherto prevented it from pronouncing on their claims. You are of opinion that the declarations made to the Congress at different times by the French government, could not have been deemed sufficient to overcome all objections and remove all difficulties. Finally, Sir, you express a desire, that new information should be given to it, to the end that its future decision may be conformable to the principles of that fair and strict justice which it professes.

I cannot, Sir, adopt the opinion manifested by your government. The notes successively presented by the ministers of France, are so particular and positive, (affirmatives,) that they seem to remove all doubt on the facts of the subject in dispute, and consequently all hesitation as to the decision to be given.

It was in fact stated, that the French government had no concern in the commercial transactions of M. de Beaumarchais with the United States. By this declaration it was not only intended to convey the idea that the government was no ways interested in his operations, or in his chances of loss or gain; but a positive assurance was also given, that France was wholly unconnected with them—Whence, it results, that in relation to them, she is neither to be considered as a lender, a surety or as an intermediate agent. The whole of these transactions were spontaneous on the part of M. de Beaumarchais, and the right and agency derived from them, appertain exclusively to him.

If, as is supposed by the committee of the treasury, permission had been granted to him by the French government, to draw from its arsenals and magazines, the supplies furnished by him to the United States, and the million in question had been advanced to enable him to replace the articles delivered to him, he certainly would have been bound in the first place, to exhibit to the king's minister, a provisional statement, showing the mode in which they were disposed of, to enable him to receive a provisional acquittance, and subsequently to the treaty of 20th February, 1778, a period which rendered all dissimulation unnecessary, this statement and its approval would have been required and delivered according to the usual forms.

It is however unquestionably the fact, that nothing of this has been done. The million delivered on the 10th of June, immediately reached its intended destination, and a simple authorization (approuvé) of the king, but a few months subsequent to the payment of the sum, was the only document, which finally placed the expenditure in the regular train of fiscal settlement.

I am therefore warranted, Sir, after a fresh examination of the facts, in persisting in the declarations above stated, and in considering as a matter of certainty, that the million paid on the 10th of June, was not applied to the purchase of the shipments made to the United States, at that period, by M. de Beaumarchais.

I have reason to hope, Sir, that these explanations, which, when taken in connexion with those that have been already offered, may seem superfluous, will throw all the light upon the subject under discussion, that can reasonably be desired. The Congress will thus be enabled to decide the affair promptly and favorably, the issue of which, must however rest with it, as well in conformity with the common laws of equity, as with the considerations of benevolence and good will towards the family so deeply interested in it.

There is no member of the government, who can be ignorant of the services rendered by the head of that family to your cause, and the influence produced on its early successes, by his ardent zeal, extensive connexions, and liberal employment of his whole fortune.

Be pleased, Sir, to receive, &c. &c. &c.

(Signed)

RICHELIEU.

(TRANSLATION.)

The honorable the Secretary of State,

SIR,

I have the honor to address to you a note, which I solicit of you the favor to submit to the consideration of the President.

I am not very particularly acquainted with the heirs of Mr. Beaumarchais; but the view which has been given to me of the whole

affair, the importance which the French government has invariably attached to it since the year 1778; the instructions which have been sent to me, the interest which the duke of Richelieu, and the minister of the interior, feel in relation to that claim, and, above all, the opinion which I entertain of the legality of this debt, of which I have examined and weighed all the circumstances with the most scrupulous impartiality, induce me, with entire confidence, to claim your benevolence in behalf of the daughter of Mr. Beaumarchais, who, by her misfortunes and personal qualities, is worthy of it.

Receive, sir,

The assurances of my high consideration,

(Signed)

HYDE DE NEUVILLE,

*Envoy extraordinary and minister
plenipotentiary of his most christian
majesty to the U. States.*

The envoy extraordinary and minister plenipotentiary of his most christian majesty, has the honor to transmit to the Secretary of State, a new expose of the affair of the heirs of the late Caron de Beaumarchais.

The documents which have not been hitherto brought forward, and which are annexed to the present claim, seem to remove every doubt which this debt may have given rise to.

The undersigned minister plenipotentiary, has received from his government reiterated instructions to call for another investigation of a transaction which bears every character of justice, and which, under this consideration, cannot fail to engage, in a very particular manner, the attention of his excellency the President.

The undersigned is particularly enjoined to renew the declaration made by Mr. Girard, his majesty's minister, as early as 1778, and subsequently repeated by his successors in this country:

"That the French government has always been unconnected with the mercantile operations of Mr. de Beaumarchais."

It is likewise his duty to state, that the million which, in 1791, was deducted from the private account of Mr. Beaumarchais, was not paid to him by the French government on account of supplies furnished to the Americans, but for a secret political service, as appears by the statement submitted to the king, by M. de Vergennes, on the 7th of December, 1776, and approved by his majesty, which exonerates the minister and places the expenditure in its regular course.

The undersigned deems it proper to recall to mind, that the million in question formed a part of the three millions, granted by the king, prior to the year 1778, and the account of which was settled by the convention of the 25th of February, 1783, between France and the American commissioners.

The latter, doubtless, did not think that they ought to insist on being made acquainted, in a positive manner, with the application of this million; or, if one or more of them were informed of it, they probably thought, and with reason, that the secret which the king had kept within his own control, could not be divulged without the express sanction of the sovereign, who had authorized and rewarded the service.

But the question is not, at best, to know whether the American commissioners were or were not informed of the true application of the million. France has given it: Congress has acknowledged it, in agreeing to the convention of the 25th of February, 1783. If, therefore, the employment of this million be not found specifically recorded, it is, because certain state policy at that period, rendered it improper to furnish any other information on the subject.

The undersigned will not examine into the grounds and extent of the measures which have since been adopted to discover a secret, of which his majesty had thought it expedient to reserve to himself the knowledge; a circumstance which, not only explains, but justifies the refusal, which M. de Vergennes constantly opposed to the demands which were frequently made on him, for an insight into the affair.

The question to be examined in relation to the claim of the heirs of Beaumarchais, appears to be solely this:

The million received by Mr. de Beaumarchais from the French government, and by order of the king, on the 10th of June, 1776, has it been given to the agent of the United States, on account of supplies furnished by him, to the Americans, or only to the French agent, for a secret political service, foreign to commercial operations?

It will be allowed, that if the million had been remitted on the 10th of June, 1776, to any other individual than Mr. de Beaumarchais, the present misunderstanding would never have taken place: will the objection be better founded if it should be discovered, that Mr. de Beaumarchais really acted in two capacities; as the agent and furnisher of supplies for the United States, and, as the secret political agent of the French government.

It is in the latter capacity that he declares he received the million. He affirms that it was received for a secret political service, which had relation to the United States; but for which, he had to render an account, only to his own government. The account has been rendered by Mr. de Beaumarchais to the minister; by the minister to the king. The affair thus finds its regular adjustment, more particularly as it respects the agent, in a manner not to be contested.

What then, can be objected to the agent of supplies? That the million remitted to the political agent has been perhaps, paid on account of the supplies which he furnished. The government which gave the million declares the contrary: It declares, and it has not ceased to declare these thirty-nine years, that it has been always un-

connected with the mercantile transactions of Mr. de Beaumarchais, with the United States. How, therefore, upon principles of equity, is it possible to make the commercial agent responsible with regard to an incident which itself cannot in any manner affect the political agent, inasmuch as his government, to which alone he ought to account for the employment of this million, has given an authentic discharge for it, as is proved by the documents of the 7th of December, and 9th of June, 1776; which will be found annexed to the renewal of the claim of the heirs of Mr. de Beaumarchais.

These two documents, written by M. de Vergennes, at that time minister for foreign affairs, and approved by the hand of his majesty, Louis the sixteenth, himself, will serve, without doubt, to remove uncertainties, to dissipate presumptions and probabilities, which in no instance ought to be opposed to a legal certainty.

The French government interferes in this affair only because it is convinced, as the attorney-general of the United States is, that, in justice and in equity, the million which Mr. de Beaumarchais received on the 10th of June, 1776, by order of the king, and for a secret political service, ought not to be charged to his private account.

The undersigned minister plenipotentiary, in adverting to the services rendered by Mr. de Beaumarchais, during the war of Independence, cannot avoid observing, that, by a series of accumulated misfortunes, his family will be nearly ruined, if it does not speedily regain a capital, which was devoted to the success of the cause of the United States.

He has, therefore, the honor to request, that the Secretary of State will lay his note before the President, in order that this affair, which has been so long pending, and which is so important to the heirs of Mr. Caron de Beaumarchais, may be submitted to a new investigation, and definitively adjusted and determined.

The undersigned embraces, with eagerness, this occasion to renew to the Secretary of State, the assurance of his high consideration.

(Signed)

G. HYDE DE NEUVILLE.

Washington city, 22d January, 1817.